### **MINUTES**

### OF THE

### NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD

DATE: January 17, 2008

TIME: 1:30 P.M.

PLACE: Hampton Inn

Raleigh, North Carolina

SUBMITTED BY: Terry Wright

Director

MEMBERS PRESENT: MEMBERS ABSENT:

Brad Smith Courtney Brown

Doc Hoggard Anita Pfaff Darrell Furr Johnny Phillips

STAFF PRESENT:

Director Terry Wright

Attorney Charles McDarris

Board Secretary Nan Williams

Training Officer Tim Pressley

Field Services Supervisor Larry Liggins

VISITORS:

John McDonald Kevin Cooper
Donald Autry R. Bradley Smith Jr

Brian Summerlin Ed Pait

Adrianne Rogers

Danny Hicks

David Kidder

Phil Walton

Ray Niblock

Robin Tharrington

Cynthia Peterson

Ralph Gregory
Richard Wilkins
Michael M. McGinnis
Jason Soles
Daniel R. Stanley
Kevin D. Boehm
Daniel Ray
Ray Irvin
Johnny Phillips
Mack Donaldson
Charles Dailey

Felicia Rodgers
William Baker
Danny T. Bunn Jr
Steve Webb
David Roe
Derick Waller
Greg Howell
Malcolm Burchett
Chris Gordon
Lonn Wylie
Josh Stowe
Keith Pendleton
Craig Holloway
Wendall T. Hill

Dawn McQuade

Rockie Goeller

Jeff Westbrook

Jason Loen

Josh Jordan

Paul Owen

#### CALL TO ORDER

1:30 P.M. The January 17, 2008 meeting of the North Carolina Alarm Systems Licensing Board was called to order by Chairman Smith.

In accordance with the State Ethics Law, Attorney Charles McDarris read the following information. "It is the duty of every Board member to avoid both conflicts of interest and appearances of conflict. If any member has any known conflict of interest or appearance of conflict with respect to any matters coming to this Board today, please identify the conflict or appearance of conflict and refrain from any deliberation and vote in that particular matter."

Chairman Smith welcomed all guests.

## MR. PHILLIPS MADE A MOTION TO APPROVE THE MINUTES OF THE NOVEMBER 15, 2007 BOARD MEETING. SECONDED BY MS. PFAFF. MOTION CARRIED.

Ms. Pfaff reported the results of the Screening Committee. See attached Screening Committee Report.

It was noted that Chairman Smith recused himself from voting on the application of Mr. Robert Alan Landaas.

MR. HOGGARD MADE A MOTION TO APPROVE THE SCREENING COMMITTEE REPORT AS PRESENTED. SECONDED BY MR. FURR. MOTION CARRIED.

# MR. PHILLIPS MADE A MOTION TO APPROVE THE REGISTRATION REPORT AS PRESENTED. SECONDED BY MR. FURR. MOTION CARRIED.

Mr. Smith reported that he and Mr. Hoggard met as the Grievance Committee on January 16, 2008 from 1:00 pm to 5:15 pm. The following individuals were present: Mrs. Pamala McLean, Mr. Kenneth Hooks, Mr. Shain Blackman, Mrs. Jennifer Baratta, Mr. David Baratta, Mr. David Becker, Mr. Matthias Rhein, Mr. Brian E. Smith, Mr.Frank L.Chaput, Mr. Travis Pollard, and Mrs. Tera Pollard.

# MR. HOGGARD MADE A MOTION TO ACCEPT THE GRIEVANCE COMMITTEE REPORT AS PRESENTED. SECONDED BY MR. PHILLIPS. MOTION CARRIED.

### FINAL AGENCY DECISIONS

Mr. McDarris removed himself as counsel to the Board and presented the following case for final agency decision.

WILLIAM BRIAN MARTIN - 07 DOJ 0929. This case was heard by Administrative Law Judge Beecher R. Gray on September 25, 2007. The issue before the Judge was the denial of an alarm registration permit for lack of good moral character and conviction of a crime involving fraud. Mr. Martin was not present.

## MR. PHILLIPS MADE A MOTION TO DENY THE APPLICATION FOR AN ALARM REGISTRATION PERMIT. SECONDED BY MR. FURR. MOTION CARRIED.

#### SPECIAL REPORTS AND PRESENTATIONS

Mr. Smith stated that he and Mr. Tom Pugh reviewed the courses and that Mr. Pugh had been in the hospital recently.

Mr. Smith presented the Continuing Education Sub-committee report:

- 1. Monitoring Center Procedures The committee recommends approval of this course for 6 CEU's.
- 2. Napco & DSC Panel Wiring and Programming The committee recommends approval of this course for 6 CEU's.

# MS. PFAFF MADE A MOTION TO ACCEPT THE RECOMMENDATIONS OF THE COURSES PRESENTED. SECONDED BY MR. PHILLIPS. MOTION CARRIED.

**UNFINISHED BUSINESS** 

None.

OLD BUSINESS

None.

**NEW BUSINESS** 

Mr. Smith reported on the matter of the summer work programs. This is a program where out of state companies are hiring and bringing in college students to sale alarm systems. Quite often the students are advising the customer that the company they currently have their system with has been purchased by this new company and they are there to upgrade their system. Typically the employees are not registered and the company is unlicensed..

MS. PFAFF MADE A MOTION TO HAVE STAFF SEND A LETTER TO EACH LICENSEE MAKING THEM AWARE OF THE SUMMER WORK PROGRAMS AND FOR MR. WRIGHT, MR. MCDARRIS AND MR. SMITH TO SCHEDULE A MEETING WITH THE ATTORNEY GENERAL'S OFFICE TO DISCUSS THIS MATTER. SECONDED BY MR. FURR. MOTION CARRIED.

Mr. Hoggard also asked Mr. Wright to contact IASIR and make them aware of the problems that North Carolina is having with these companies.

Mr. Smith asked Mr. Wright to send a letter to the consumer when a complaint of unlicensed activity has been received. The letter should advise them of the law which states that contracts entered into by an unlicensed company may be considered null and void.

MS. PFAFF MADE A MOTION FOR THE STAFF TO SEND A LETTER TO A CONSUMER WHEN A CONTRACT IS ENTERED WITH A CONSUMER AND AN UNLICENSED COMPANY. SECONDED BY MR. PHILLIPS. MOTION CARRIED.

BREAK: 2:25 pm

RECONVENE: 2:50 pm

DIRECTOR'S REPORT

Mr. Wright presented the written report and advised that as of December 1, 2007 the combined budget balance was \$304,338.69. The Alarm Recovery Fund balance was \$27,250.37. The Board has 4386 registrants and 829 licensees as of January 15, 2008.

MS. PFAFFMADE A MOTION TO ACCEPT THE DIRECTOR'S REPORT AS PRESENTED. SECONDED BY MR. FURR. MOTION CARRIED.

#### ATTORNEY'S REPORT

Mr. McDarris reported on the following consent agreements:

### CONSENT AGREEMENTS & CIVIL PENALTIES

- 1. Daniel Patterson of Secure America Consent Agreement for \$1,305.60 has been paid.
- 2. Charles Smith of AAA Security Consent Agreement for \$1,876.80 has been paid.
- 3. Joseph Aman of Stanley Security Solutions Consent Agreement for \$6,343.80 has been paid.
- 4. William Alexander of ISR Solutions Virginia, Inc. Consent Agreement for \$2,040.00 has been issued but has not been executed or paid.
- 5. Stanley Security two separate Consent Agreements have been issued. One for \$6,364.80 and the other for \$2,040.00 have been issued. They indicated this week that the checks were being cut and the agreements would be hand-delivered upon receipt of the checks.

Mr. McDarris reported that 12 NCAC 11 .0210 which is the proposed rule to state that the employee who holds the electrical license must be employed on a full time basis has been filed with the Office of Administrative Hearings/Rule Division. The comment period expired on December 14, 2007 and is before the Board for adoption.

MR. FURR MADE A MOTION TO ADOPT AND FOR THE ATTORNEY TO PROCEED WITH THE FILING OF THIS RULE WITH THE RULES REVIEW COMMISSION. SECONDED BY MR. PHILLIPS. MOTION CARRIED.

Mr. McDarris stated that he had not heard back from the attorney in regard to the Huntersville False Alarm Ordinance.

MR. PHILLIPS MADE A MOTION FOR THE ATTORNEY TO SEND A LETTER TO THE PROPER AUTHORITY IN HUNTERSVILLE IN REGARD TO THE FALSE ALARM ORDINANCE. SECONDED BY MR. FURR. MOTION CARRIED.

Mr. McDarris stated that the changes have been implemented and approved by the city council in regard to the Indian Trail False Alarm Ordinance.

Mr. McDarris stated that the Concord False Alarm Ordinance still needs to be reviewed and changes

made.

MR. HOGGARD MADE A MOTION TO HAVE THE ATTORNEY DRAFT A LETTER TO MR. GLEN MOWERY TO CEASE AND DESIST PROVIDING TO MUNICIPALITIES DRAFT ORDINANCES THAT ARE IN VIOLATION OF G.S.74D. SECONDED BY MR. FURR. MOTION CARRIED.

Mr. McDarris stated that Senate Bill 527 which is the new law dealing with automatic renewal of contracts must disclose the renewal clause clearly and conspicuously in the contract or contract offer.

MR. FURR MADE A MOTION TO ACCEPT THE ATTORNEY'S REPORT AS PRESENTED. SECONDED BY MS. PFAFF. MOTION CARRIED.

GOOD OF THE ORDER

MS. PFAFF MADE A MOTION TO ADJOURN. SECONDED BY MR. FURR. MOTION CARRIED.

Meeting Adjourned:	3:30 pm		
		Terry Wright Director	
		Nan Williams	
		Reporter	